IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Bail Appl..No. 7496 of 2007()

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CRIME 859/07 OF PATHANAMTHITTA POLICE STATION

PETITIONER/ACCUSED

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VALSALA, AGED 39 YEARS,
W/O. BHAGYANATHAN THAMPY, KAITHAMOOTTIL PUTHEN VEETTIL, PUTHEN PEEDIKA MURI, OMALLOOR VILLAGE, PATHANAMTHITTA.

BY ADV. SRI.AJITH MURALI
SRI.K.V.ANIL KUMAR

RESPONDENTS:

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STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

**B.A. No. 7496 OF 2007 F**

**Dated this the 10th day of December, 2007**

**O R D E R**

Application for regular bail. Petitioner - a woman, faces allegations under the Kerala Abkari Act. She was allegedly found to keep in her personal possession 1.180 kgs of ganja in a shed. She was also negotiating with two other persons who were found in the premises for the sale of such ganja which was in her possession. She was intercepted and arrested on 18.11.07. Investigation is in progress. She continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Her husband faces allegations under the NDPS Act in some other crime and because of that totally false and fanciful allegations are now being raised against the petitioner, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The allegations are serious. The quantity of

ganja is neither smell quantity nor commercial quantity. The investigation had commenced only on 18.11.07. All the available inputs point to the complicity of the petitioner. The petitioner may not be enlarged on bail at this early stage of investigation. The allegations against the husband of the petitioner earlier cannot be said to have any bearing on the facts of the present case where the petitioner was found to stand with 1.180 kgs of ganja in her personal possession. She was also found to negotiate with the intending purchasers for the sale of the said ganja.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that there are no features in this case which would justify invocation of the extraordinary equitable discretion under Section 439 Cr.P.C. Investigators in a serious crime like this are certainly entitled to further time to complete the investigation.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to

move this court or the Sessions court for bail again at later stages of the investigation not, at any rate, prior to 24/12/2007. The investigator shall, in the meantime, make every endeavour to complete the investigation.

**(R.BASANT, JUDGE)**

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